

U.S. Application No. 09/717,306
Docket No. 4494-0105P
November 4, 2003
Art Unit: 2877

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-29 were pending prior to the Final Office Action. Claims 1, 5, 10, 21, 23, and 24 have been canceled through this Reply. Therefore, claims 2-4, 6-9, 11-20, 22, and 25-29 are pending. Claims 2, 6, 11, 13, 20, and 26 are independent.

ALLOWABLE SUBJECT MATTER

Applicants appreciate that claims 6, 7, 9, 13, and 15-17 are indicated to define allowable subject matter. These claims were objected to for being dependent on rejected base claim. See *Final Office Action, page 9.*

Following amendments have been made to put these claims in allowable condition:

- Claim 6 has been amended to incorporate the features of the canceled claim 5;
- Claim 7 remains dependent from claim 6;
- Claim 9 has been amended to depend from claim 6;

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- Claim 13 has been amended to incorporate the features of the canceled claim 10;
- Claim 15 remains dependent from claim 13 (via claim 14);
- Claim 16 remains dependent from claim 13; and
- Claim 17 has been amended to depend from claim 13.

CLARIFICATION RE: DOUBLE PATENTING REJECTION INCONSISTENCIES

In the Final Office Action, Claims 2, 8, 11, 14, 18, 26, and 29 were rejected under the judicially created doctrine of obviousness-type double patenting rejection over Fjeldstad et al. (USPN 6,522,409, hereinafter "Fjeldsdad", patent owned by the assignee of the present invention) in view of Horn (USPN 5,339,152) and in further view of Rockstroh et al. (USPN 6,094,260, hereinafter "Rockstroh"). See *Final Office Action*, page 8.

However, claims 8, 14, and 18, depend from claims 6, 13, and 17, respectively, and claims 6, 13, and 17 were all indicated to define allowable subject matter. See *Final Office Action*, page 9.

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Applicants thank the Examiner for clarifying the matter with the Applicants' representative on October 23, 2003, in which the Examiner indicated that the double patenting rejections of claims 8, 14, and 18 were in error and should have been included in the list of objected to claims.

DOUBLE PATENTING REJECTION

As noted above, claims 2, 8, 11, 14, 18, 26, and 29 are rejected under the judicially created doctrine of obviousness-type double patenting rejection over Fjeldstad in view of Horn and in further view of Rockstroh. Also as noted above, only claims 2, 11, 26, and 29 are assumed to be thus rejected.

While Applicants do not necessarily agree, a terminal disclaimer is filed concurrently herewith.

Therefore, Applicants will treat claims 2, 11, 26, and 29 as defining allowable subject matter but are objected to as being dependent on a rejected claim. Following amendments have been made to put these claims in allowable condition:

- Claim 2 has been amended to incorporate the features of the canceled claim 1;

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- Claim 11 has been amended to incorporate the features of the canceled claim 10;
- Claim 26 has been amended to incorporate the features of the canceled claim 24; and
- Claim 29 remains dependent from claim 26 (via claim 28).

DRAWINGS

Figures 1-3 have been amended to include the label "Conventional Art" as required. Figures 1-3 also have been amended to include the generator (110) as being a part of the electronic device (111) to enhance consistency with the specification. See *Final Office Action, page 2*. No new matter has been added.

SUBSTITUTE SPECIFICATION

The Examiner required a substitute specification under 37 C.F.R. 1.125(a). See *Final Office Action, page 2*. As required, the substitute specification is attached hereto (a version with track changes and a clean version). However, this substitute specification is being filed under 37 C.F.R. 1.125(b) since it

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include corrections to informalities not previously of record. The substitute specification is believed to contain no new matter.

Applicants respectfully request that the substitute specification be accepted.

CLAIM OBJECTIONS

In the Final Office Action, claims 1 and 5 are objected to for minor informalities. See *Final Office Action*, page 3. More specifically, these claims were objected to as including spelling errors. These claims have been canceled rendering the objection moot.

However, claims 2 and 6, which incorporate the features of canceled claims 1 and 5 respectively include the correct spellings.

Applicants respectfully request that the objections to claims 1 and 5 be withdrawn.

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§ 112, 2ND PARAGRAPH REJECTION

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. See *Final Office Action*, page 3. More specifically, the claim is objected to for including the term "the" device. Claim 1 has been canceled rendering the rejection moot.

However, claim 2, which incorporates the features of canceled claim 1, has been drafted to read "a" device.

Applicants respectfully request that the rejection of claims 1 under Section 112, 2nd paragraph be withdrawn.

§ 103 REJECTION - HORN, ROCKSTROH

Claims 1, 3-4, and 5, (See *Final Office Action*, page 4); claims 10, 12, and 19 (See *Final Office Action*, page 5); claims 20-23 (See *Final Office Action*, page 6); and claims 24-25 and 27-28 (See *Final Office Action*, page 6) stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Horn in view of Rockstroh.

With regard to claims 1, 5, 10, 21, 23, and 24, the rejection has been rendered moot.

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With regard to claims 3 and 4, these claims have been amended to depend from now allowable claim 2.

With regard to claim 19, this claim has been amended to depend from now allowable claim 13.

With regard to claim 25, this claim has been amended to depend from now allowable claim 26.

With regard to claims 27 and 28, these claims have been amended to depend from now allowable claim 26.

With regard to claims 20 and 22, Applicants respectfully traverse. Claim 20 has been amended to incorporate features in canceled claims 21 and 23. Claim 20 also recites, in part, "wherein lengths of the first, second, and third light guidance cables are such that the cables ensure a fixed optical distance between the investigation area and the holographic camera" which has been indicated to be an allowable feature.

Therefore, claim 20 is distinguishable over the combination of Horn and Rockstroh. Claim 22 has been amended to depend from claim 20. Therefore, due to the dependency thereon as well as on its own merit, claim 22 is also distinguishable over the combination of Horn and Rockstroh.

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Applicants requests that the Section 103 rejection of claims 1, 3-4, 5, 10, 12, 19, 20-23, 24-25, and 27-28 based on Horn and Rockstroh, be withdrawn.

CONCLUSION

All objections and rejections raised in the Final Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

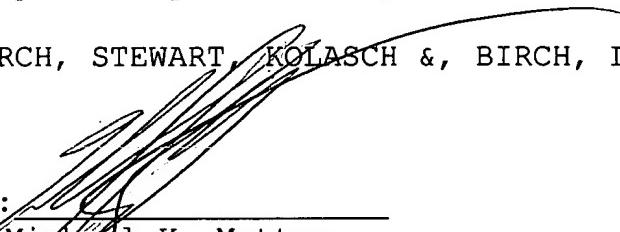
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overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1. 17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH &, BIRCH, LLP

By:


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Attachment(s): One Sheet of Replacement Drawings